Amendments to the Claims:

1. (currently amended) A method for controlling access to a Multimedia Broadcast Multicast Service (MBMS) service comprising:

determining a quantity of mobile stations (MSs) subscribed to the MBMS service and
maintaining an active connection;

determining an access probability factor;

broadcasting a control message comprising the access probability factor;

receiving, from each of one or more idle mode mobile stations, a response to the control
message;

comparing the number of received responses to a threshold to produce a comparison; and

determining whether to establish a point-to-multipoint communication or a point-to-point
communication based on the comparison, wherein it is determined to establish a point-to-
multipoint communication when the number of responses exceeds the threshold; and
upon determining to establish a point-to-multipoint communication:

adjusting the access probability factor based on the number of responses from idle
mode mobile stations and the threshold, and
establishing a point-to-multipoint communication channel.

2. (original) The method of claim 1, wherein the threshold comprises a threshold adjusted by the determined quantity of mobile stations subscribed to the Multimedia Broadcast Multicast Service (MBMS) service and maintaining an active connection.

3. (cancelled) .

4. (currently amended) The method of claim 3 1, wherein determining whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication comprises, when the number of received responses does not exceed the threshold, determining whether to establish a PTM communication or a PTP communication based on the access probability factor.

5. (original) The method of claim 4, wherein determining whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication comprises:

   when the number of received responses docs not exceed the threshold, determining whether the access probability factor is equal to one (1);

   when the access probability factor is not equal to one (1), determining whether to establish a PTM communication or a PTP communication based on the number of idle mode mobile stations responding to the control message.

6. (cancelled).

7. (cancelled).

8. (currently amended) The method of claim 3 1, wherein determining to establish a point-to-point (PTP) communication comprises:

   determining whether the access probability factor is equal to one (1);

   when the number of received responses does not exceed the threshold and when the access probability factor is equal to one (a), establishing a PTP communication channel with each MS responding to the control message.

9. (currently amended) The method of claim 3 1, wherein determining to establish a point-to-point (PTP) communication comprises:

   determining whether the access probability factor is equal to one (1);

   when the access probability factor is not equal to one (1), determining whether the number of idle mode mobile stations responding to the control message is equal to zero (0); and

   when the number of received responses does not exceed the threshold and when the number of idle mode mobile stations responding to the control message is equal to zero (0), establishing a PTP communication channel with each MS responding to the control message.

10. (original) The method of claim 1, wherein determining whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication when the number of received responses does not exceed the threshold comprises:

determining whether the access probability factor is equal to one (1);

when the access probability factor is not equal to one (1), determining whether the number of idle mode mobile stations responding to the control message is equal to zero (0); and

when the number of idle mode mobile stations responding to the control message is not equal to zero (0):

adjusting the access probability factor based on the number of idle mode mobile stations responding to the control message and the threshold to produce an adjusted access probability factor;

determining whether to establish a PTM communication or a PTP communication based on the adjusted access probability factor.

11. (original) The method of claim 10, wherein the control message comprises a first control message, the comparison comprises a first comparison and wherein determining, when the number of idle mode mobile stations responding to the control message is not equal to zero (0), whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication based on the adjusted access probability factor comprises:

determining whether the adjusted access probability factor is greater than the threshold;

when the adjusted access probability factor is not greater than the threshold, determining whether the adjusted access probability factor is greater than one (1);

when the adjusted access probability factor is not greater than one (1);

broadcasting a second control message comprising the adjusted access probability factor;

receiving, from each of one or more idle mode mobile stations, a response to the second control message;

comparing a number of responses received in response to the second control message to the threshold to produce a second comparison; and

determining whether to establish a PTM communication or a PTP communication based on the second comparison.

12. (original) The method of claim 10, wherein determining, when the number of idle mode mobile stations responding to the control message is not equal to zero (0): whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication based on the adjusted access probability factor comprises:

determining whether the adjusted access probability factor is greater than the threshold;

when the adjusted access probability factor is not greater than the threshold, determining whether the adjusted access probability factor is greater than one (1);

when the adjusted access probability factor is greater than one (1), establishing a PTP communication channel with each MS responding to the control message.

13. (original) The method of claim 10, wherein the control message comprises a first control message and the comparison comprises a first comparison, wherein determining, when the number of idle mode mobile stations responding to the control message is not equal to zero (0): whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication based on the adjusted access probability factor comprises:

determining whether the adjusted access probability factor is greater than the threshold;

when the adjusted access probability factor is greater than the threshold,

setting the adjusted access probability factor to one (1);

broadcasting a second control message comprising the adjusted access probability factor;

receiving, from each of one or more idle mode mobile stations, a response to the second control message;

comparing a number of responses, from the one or more idle mode mobile stations to the second control message, to the threshold to produce a second comparison; and

determining whether to establish a PTM communication or a PTP communication based on the second comparison.

14. (original) The method of claim 1, wherein determining whether to establish a point-to-multipoint communication or a point-to-point communication based on the number of responses comprises:

adjusting the access probability factor based on the number of received responses to the control message to produce an adjusted access probability factor;

determining whether the adjusted access probability factor is greater than or equal to one (1);

when the adjusted access probability factor is greater than or equal to one (1), establishing a point-to-point (PTP) communication channel with each MS responding to the control message.

15. (original) The method of claim 14, wherein the control message comprises a first control message, the comparison comprises a first comparison, and further comprising, when the when the adjusted access probability factor is less than one (1):

broadcasting a second control message comprising the adjusted access probability factor;

receiving, from each of one or more idle mode mobile stations, a response to the second control message comprising the adjusted access probability factor;

comparing the number of received responses to the second control message to the threshold to produce a second comparison; and

determining whether to establish a point-to-multipoint communication or a point-to-point communication based on the second comparison.

16. (cancelled).

17. (cancelled).

18. (currently amended) An apparatus for controlling access to a Multimedia Broadcast Multicast Service (MBMS) service comprising:

at least one memory device that maintains an access probability factor and further maintains a record of a quantity of mobile stations (MSs) subscribed to the MBMS service and maintaining an active connection;

a processor coupled to the at least one memory device that determines a quantity of mobile stations subscribed to the MBMS service and maintaining an active connection and an access probability factor by reference to the at least one memory device, conveys a control message comprising the access probability factor, receives, from each of one or more idle mode mobile stations, a response to the control message; compares the number of received responses to a threshold to produce a comparison, and determines whether to establish a point-to-multipoint communication or a point-to-point communication based on the comparison, determines to establish a point-to-multipoint communication when the number of responses exceeds the threshold, upon determining to establish a point-to-multipoint communication, adjusts the access probability factor based on the number of responses from idle mode mobile stations and the threshold and arranges for conveyance of Multimedia Broadcast Multicast Service data over a point-to-multipoint communication channel.

19. (original) The apparatus of claim 18, wherein the threshold comprises a threshold adjusted by the determined quantity of mobile stations subscribed to the Multimedia Broadcast Multicast Service (MBMS) service and maintaining an active connection.

20. (cancelled).

21. (previously presented) The method apparatus of claim 20, wherein, when the number of received responses does not exceed the threshold, the processor determines whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication based on the access probability factor.

22. (previously presented) The method apparatus of claim 21, wherein, when the number of received responses does not exceed the threshold and the access probability factor is not equal to one (l), the processor determining whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication based on the number of idle mode mobile stations responding to the control message.

23. (cancelled).

24. (cancelled).

25. (currently amended) The apparatus of claim ~~20~~ 18, wherein the processor determines to convey Multimedia Broadcast Multicast Service (MBMS) data via a point-to-point (PTP) communication by determining whether the access probability factor is equal to one (1) and, when the access probability factor is equal to one (1), determining to convey MBMS data via a PTP communication channel.

26. (currently amended) The apparatus of claim ~~20~~ 18, wherein the processor determines to convey Multimedia Broadcast Multicast Service (MBMS) data via a point-to-point (PTP) communication by determining whether the access probability factor is equal to one (1), when the access probability factor is not equal to one (1), determining whether the number of idle mode mobile stations responding to the control message is equal to zero (0), and when the number of idle mode mobile stations responding to the control message is equal to zero (0), determining to convey MBMS data via a PTP communication channel.

27. (original) The apparatus of claim 18, wherein the processor determines whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication when the number of received responses does not exceed the threshold by determining whether the access probability factor is equal to one (1), when the access probability factor is not equal to one (1), determining whether the number of idle mode mobile stations responding to the control message is equal to zero (0), and when the number of idle mode mobile stations responding to the control message is not equal to zero (0), adjusting the access probability factor based on the number of idle mode mobile stations responding to the control message and the threshold to produce an adjusted access probability factor and determining whether to establish a PTM communication or a PTP communication based on the adjusted access probability factor.

28. (original) The apparatus of claim 27, wherein the control message comprises a first control message, the comparison comprises a first comparison, and wherein, when the number of idle mode mobile stations responding to the control message is not equal to zero (0), the processor determines whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication based on the adjusted access probability factor by determining whether the adjusted access probability factor is greater than the threshold, when the adjusted access probability factor is not greater than the threshold, determining whether the adjusted access probability factor is greater than one (1), and when the adjusted access probability factor is not greater than one (1), conveying a second control message comprising the adjusted access probability factor, receiving, from each of one or more idle mode mobile stations, a response to the second control message, comparing a number of responses received in response to the second control message to the threshold to produce a second comparison, and determining whether to establish a PTM communication or a PTP communication based on the second comparison.

29. (original) The apparatus of claim 27, wherein, when the number of idle mode mobile stations responding to the control message is not equal to zero (0), the processor determines whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication based on the adjusted access probability factor by determining whether the adjusted access probability factor is greater than the threshold, when the adjusted access probability factor is not greater than the threshold, determining whether the adjusted access probability factor is greater than one (1), and when the adjusted access probability factor is greater than one (1), arranging to convey Multimedia Broadcast Multicast Service (MBMS) data via a PTP communication channel.

30. (original) The apparatus of claim 27, wherein the control message comprises a first control message, the comparison comprises a first comparison, and wherein, when the number of idle mode mobile stations responding to the control message is not equal to zero (0), the processor determines whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication based on the adjusted access probability factor by determining whether the adjusted access probability factor is greater than the threshold and, when the adjusted access probability factor is greater than the threshold, setting the adjusted access probability factor to one (1), conveying a second control message comprising the adjusted access probability factor, receiving, from each of one or more idle mode mobile stations, a response to the second control message, comparing a number of responses to the second control message to a threshold to produce a second comparison, and determining whether to establish a PTM communication or a PTP communication based on the second comparison.

31. (original) The apparatus of claim 18, wherein the processor determines whether to establish a point-to-multipoint (PTM) communication or a point-to-point (PTP) communication by adjusting the access probability factor based on the number of received responses to the control message to produce an adjusted access probability factor, determining whether the adjusted access probability factor is greater than or equal to one (1), and when the adjusted access probability factor is greater than or equal to one (1), arranging for conveyance of Multimedia Broadcast Multicast Service (MBMS) data via a PTP communication.

32. (original) The apparatus of claim 31, wherein the control message comprises a first control message, the comparison comprises a first comparison, and wherein the processor, when the when the adjusted access probability factor is less than one (1), conveys a second control message comprising the adjusted access probability factor, receives, from each of one or more idle mode mobile stations, a response to the second control message comprising the adjusted access probability factor, compares the number of received responses to the second control message to the threshold to produce a second comparison; and determines whether to establish a point-to-multipoint communication or a point-to-point communication based on the second comparison.

33. (cancelled).

34. (cancelled).